



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, OH 43138

TELE: (740) 385-8501 FAX: (740) 385-6490

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Christopher Jones, Director

August 31, 2004

Re: Belmont County
American Energy Corp., Century Mine
Notice of Violation
OIL00091*GD
Correspondence (IWW)

Mr. Ron Burdette
American Energy Corp. Century Mine
Township Road 88
Armstrong Mills, Ohio 43904

Dear Mr. Burdette:

On July 20, 2004, Ryszard Lecznar of the Division of Surface Water from the Southeast District Office inspected a portion of the American Energy Corp. (AEC) Century Mine near Pea Vine Creek in response to a complaint. He met with you and a subcontractor, Larry Conway. The complaint alleged water pollution was occurring in Pea Vine Creek as a result of air shaft development by or on behalf of your company. During the inspection, it was noted that white material which appeared to be sediment from the drilling operation was still visible in the creek. Mr. Conway indicated that he caused the discharge of this material into the creek as a result of the air shaft development operation.

This discharge constitutes a violation of Ohio Revised Code Chapter 6111. AEC must stop the discharge and obtain proper permits from Ohio EPA prior to commencing the discharge. Failure to do so may result in enforcement action with appropriate fines up to \$10,000 per day of discharge.

Please provide a written response, within 14 days of receipt of this Notice of Violation, detailing how this situation will be resolved. If you have any questions, please contact me at (740) 380-5284 at your convenience.

Sincerely,

Ms. Abbot Stevenson
Environmental Engineer
Permits and Enforcement Section
Division of Surface Water

AS/dh

c: Melanie Homen Murray, American Energy Corp.
c: Brian Baker, Division of Wildlife





ANNUAL DISCHARGE FEE PRELIMINARY NOTICE

Friday, August 27, 2004

0IL00091

Bennoc Inc Wayne Twp Rd 88
PO BOX 208
MORRISTOWN, OH 43759

This is a preliminary notification that your 2004 Annual Discharge Fee (ADF), authorized by Ohio Revised Code (ORC) 3745-11, will be due on January 31, 2005. Do not send payment at this time.

In order to ensure correct invoices are sent out later this year, and to provide you with adequate time to plan for this expense, the flow and fee due for your facility are listed below. The annual discharge fee for the calendar year 2004 is based upon the average volume of wastewater discharged by your facility during the previous year (2003) between May 1 and October 31. The fee schedule, pursuant to ORC 3745-11, is provided below.

Please review this information carefully. If the flow information is incorrect, you must provide a written explanation and include copies of your original EPA 4500 Forms (Monthly Operating Report) for May through October 2003 showing the signatures at the bottom of the forms. Pursuant to ORC 3745-11(5)(a)(ii), if you are entitled to a pro-rated fee, provide a written explanation, referencing your permit number. This information must be mailed to the following address by October 1, 2004.

ADF Adjustment
Ohio EPA, Division of Surface Water
P.O. Box 1049, Columbus, Ohio 43216-1049

If you have any questions, please contact the ADF hotline at (614) 644-2153 or via e-mail at adf@epa.state.oh.us.

DO NOT SEND PAYMENT AT THIS TIME. THIS IS NOT AN INVOICE.

Facility Name:	Bennoc Inc Wayne Twp Rd 88		
NPDES Permit No.:	0IL00091	Base Fee:	\$180.00
Average Daily Flow:	NA - Statutory Fee Applied	Major Surcharge	
(Design flow if new facility)		TOTAL FEE DUE:	\$180.00

INDUSTRIAL FACILITIES	
Flow (MGD)	Fee
>0.005 - 0.05	\$ 250
>0.05 - 0.25	\$ 1,200
>0.25 - 1	\$ 2,950
>1 - 5	\$ 5,850
>5 - 10	\$ 8,800
>10 - 20	\$ 11,700
>20 - 100	\$ 14,050
>100 - 250	\$ 16,400
>250	\$ 18,700
Major Surcharge	\$ 7,500

PUBLIC FACILITIES	
Flow (MGD)	Fee
>0.005 - 0.05	\$ 200
>0.05 - 0.1	\$ 500
>0.1 - 0.25	\$ 1,050
>0.25 - 1	\$ 2,600
>1 - 5	\$ 5,200
>5 - 10	\$ 10,350
>10 - 20	\$ 15,550
>20 - 50	\$ 25,900
>50 - 100	\$ 41,400
>100	\$ 62,100